

Serial No. 10/520,238
Atty. Doc. No. 2002P02127WOUS

REMARKS

Claims 13-22 and 24-32 are pending in the application with claims 1-12 and 23 previously cancelled.

Claim 17 has been amended to overcome the rejection thereof under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, amended claim 17 recites the protective layer comprising a continuously graded concentration of the composition of the intermediate and outer layers. Support for this amendment is found in paragraph [0059] of the instant application as published in U.S. Pub. No. 2005/0238907 A1.

Claim 22 has been objected to under 37 C.F.R. §1.175 as being a substantial duplicate of claim 24 and has been cancelled.

Claim 24 has been amended to incorporate the limitations of claim 25. More specifically, amended claim 24 recites an amount of Lanthanide group elements that may be added to the outer layer of the oxidation resistant component recited in amended claim 13.

Claims 26-29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. (U.S. Pub. No. 2002/0098294 A1) in further view of Wadley et al. (U.S. Pub. No. 2005/0287296 A1). It is respectfully submitted that Wadley et al. does not qualify as prior art with respect to the instant application. Specifically, Wadley et al. claims priority from U.S. Provisional Application Ser. No. 60/398,384 filed July 25, 2002 whereas the instant application claims the benefit of European Patent Application No. 02015282.3 EP filed July 9, 2002. Thus, applicants respectfully request that Wadley et al. be withdrawn as prior art.

Claim 13 has been amended to more clearly define the subject matter that applicants regard as the invention. Amended claim 13 recites, among other aspects, the outer layer further comprising a concentration of at least one element selected from the group consisting of Ti and Sc in the range of 0.01 and 1.0 wt%. Support for this amendment is found in paragraphs [0048] through [0051] of U.S. Pub. No. 2005/0238907 A1. Applicant respectfully submits that

**Serial No. 10/520,238
Atty. Doc. No. 2002P02127WOUS**

amended claim 13 and all claims depending there from recite subject matter allowable over the prior art of record.

Claim 30 has been amended to more clearly define the subject matter that applicants regard as the invention. More specifically, amended claim 30 recites, among other aspects, that the intermediate MCrAlY layer comprises an amount of Al in the range of about 8% to 14 wt% and that the outer layer comprises an amount of Al in the range of about 3% to 6.5% whereby the outer layer will have a structure of a pure γ -Ni matrix at a temperature of between about 900° to 1100°C. Amended claim 30 also recites that a metastable layer of aluminium oxide is formed on top of the outer layer. Claims 31 and 32 have also been amended. Support for these amendments are found in paragraphs [0043] through [0053] of U.S. Pub. No. 2005/0238907 A1 and applicant respectfully submits that amended claims 31 – 32 recite subject matter allowable over the prior art of record.

More specifically, Khan et al. discloses an MCrAlY coating having a γ or γ/γ' structure comprising a dispersion of β -NiAl and/or γ/β -MCrAlY particles therein to provide a reservoir of Al wherein the reservoir replenishes the Al lost due to oxidation and interdiffusion during service of an article [0008] and [0012]. Applicant respectfully submits that Khan et al. does not teach, disclose or otherwise suggest applicants' invention as defined in amended claims 31 – 32 and one skilled in the art would find no motivation either in Kahn et al. or in the knowledge generally available one skilled in the art to arrive at the invention as claimed therein.

Claim 20 has been amended to incorporate the recitations of claim 21.

Claims 14, 21 – 23 and 25 – 27 have been cancelled.

In view of the above remarks and amendments to this application applicant respectfully requests reconsideration of this application and allowance of claims 13, 15-20, 24 and 28-32.

**Serial No. 10/520,238
Atty. Doc. No. 2002P02127WOUS**

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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